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**WILTEL TECHNOLOGY VENTURES, INC.**  
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December 21, 1995

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**VIA MESSENGER**

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: WT Docket No. 95-157  
RM 8643

RECEIVED  
JAN 11 1996  
FEDERAL COMMUNICATIONS COMMISSION

Dear Acting Secretary Caton:

Williams Wireless Inc. (WWI) appreciates this opportunity to submit these Reply Comments responsive to the Comments submitted in the above-captioned proceeding. As described in WWI's earlier Comments, WWI owns a 4,000 mile 2 GHz microwave system used by Williams Natural Gas Company (WNG), Texas Gas Transmission Company (Texas Gas) and Transcontinental Gas Pipeline Company (Transco). The system consists of 132 microwave links, all of which operate in either the A, B or C frequency blocks allocated for Personal Communications Services (PCS).

**Background**

The WWI microwave system controls and monitors gas pressures and flow volumes by data transmissions at hundreds of points along the system. Additionally, voice communication over the system is used to coordinate pipeline control operations. In most cases, no other communications source is available.

In its Comments, WWI supported the Commission's efforts to establish a cost-sharing plan that will facilitate system-wide relocation of incumbent operations to accommodate PCS. We expressed some concerns, however, regarding several of the Commission's proposals and their potentially adverse impact upon the safety and integrity of WWI's pipeline operations. We cautioned against any tampering with the Voluntary Negotiation Period, which currently provides much needed flexibility in implementing these difficult relocations. We stressed that under any relocation scenario, voluntary or involuntary, microwave incumbents should at least be made "whole" as a result of a transition to new communications facilities which was

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caused by the deployment of PCS. We argued that microwave incumbents displaced by PCS should be able to convert to current, state-of-the-art technology without adverse financial consequences. We urged the Commission to relax its proposed licensing "clarifications," which would unduly restrict microwave incumbents. Lastly, we urged the Commission to abandon its proposal to "sunset," on April 4, 2005, the obligations of PCS licensees to provide comparable replacement facilities.

### **Reply Comments**

We are pleased to note that many of the parties submitting Comments in this proceeding supported WWI's views. The American Petroleum Institute (API), the American Gas Association (AGA), the American Public Power Association (APPA), the Associated Public-Safety Communications Officers (APCO), the Association of American Railroads (AAR), the Industrial Telecommunications Association, Inc., (ITA), the Interstate Natural Gas Association of America (INGAA), the National Rural Electric Cooperative Association (NRECA), the Utilities Telecommunications Council (UTC), and others expressed concerns similar to WWI's.

In general, these entities also believe that system-wide integrity of microwave communications systems must be preserved; that cost-sharing is beneficial to the extent it promotes system-wide integrity; that comparability of systems should include the provision of state-of-the-art equipment; that microwave incumbents should not be required to bear expenses they would not have incurred but for the demands of the PCS industry; that link-by-link replacements would dramatically increase the potential for harmful interference and microwave system degradation; that the definition of comparability must be sufficiently broad to ensure the overall quality of an entire network; and that the proposed "sunset" of a PCS licensee's obligations to relocate microwave incumbents would be inappropriate and unfair. WWI supports these positions.

### **Microwave Incumbents Also Must Have Cost-Sharing Rights.**

In reviewing these and other Comments, however, it is apparent that one additional deficiency exists in the proposed cost-sharing rules. Although the proposed rules allow PCS licensees to seek reimbursement from other PCS licensees, they do not afford a similar right to microwave licensees. Cost-sharing should be mutual.

This problem arises especially within the context of large microwave systems, such as WWI's. Because selected link-by-link relocations would raise numerous technical and operational concerns for WWI, as described in our Comments, we are seeking a system-wide solution to our complex relocation problem. We need a coordinated relocation effort that protects and preserves our operations.

Our pipeline communications systems have enabled us to develop a long history of safe and reliable transportation of natural gas throughout the country. To maintain the safety of our existing system while transitioning to a new, equally safe replacement system, WWI must relocate the entire system at one time and in the most coordinated and manageable manner possible. Accordingly, as discussed in our Comments, we are currently seeking to negotiate a coordinated relocation plan, under the voluntary negotiation framework, with numerous PCS licensees.

During our negotiations, however, it has become apparent that some PCS licensees are declining to participate at this time in a coordinated relocation of our system, because their deployment schedules do not require displacement of our links in their licensed territories until much later dates. Their current reluctance to participate in a system-wide, cost-sharing effort deprives us of the opportunity to receive a prorated contribution from them for our overall system relocation costs. As a result, several of our links may be "stranded" until such time as subsequent PCS licensees opt to relocate them.

Nevertheless, if we are successful in obtaining contributions from most but not all affected PCS licensees, we may be required to relocate all of our links now, including the stranded links. The licenses for the stranded links may be deemed cancelled, however, pursuant to Section 94.53 of the Commission's rules (Discontinuance of Station Operation), before the subsequent PCS licensee seeks to deploy its system. 47 C.F.R. 94.53. We would have no recourse to seek reimbursement from the subsequent PCS licensee for our costs of relocation, as our license rights to the stranded links would have terminated by the time the PCS licensee deploys. Microwave incumbents, however, should be entitled to the same type of cost-sharing rights -- limited by any applicable reimbursement "cap" -- as PCS licensees.

In instances where a microwave incumbent relocates a link as a result of PCS deployment, but compensation from an affected PCS licensee is not immediately available, that microwave incumbent should be entitled to retain its interference protection rights vis-a-vis subsequent PCS licensees -- notwithstanding the fact that the link may have been decommissioned for a period greater than one year. In such an event, the microwave incumbent should be entitled to receive compensation from the affected PCS licensee at the time the PCS licensee implements its PCS system in a way that would have interfered with the microwave link had the decommissioned link been operational.

William F. Caton  
December 21, 1995  
Page 4

This is the same type of protection proposed for PCS licensees under the Commission's cost-sharing proposal, and it should be available to microwave incumbents, as well. It will facilitate system-wide relocations and the prompt deployment of PCS, and will place the ultimate responsibility for costs on the party that causes them.

We appreciate this opportunity to submit these Reply Comments concerning these important proposals. Should you have any questions or require any further information, please feel free to contact the undersigned.

Respectfully submitted,



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cc: The Honorable Reed E. Hundt, Chairman  
The Honorable James H. Quello  
The Honorable Andrew C. Barrett  
The Honorable Susan Ness  
The Honorable Rachelle B. Chong  
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